

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of: The Application) Docket No:
Of PacifiCorp For Approval of an) 09-035-55
Electric Service Agreement For)
Milford Wind Corridor Phase I.)
)

In the Matter of: The Application) Docket No:
Of PacifiCorp For Approval of an) 11-035-17
Electric Service Agreement For)
Milford Wind Corridor Phase II, LLC.)
)

TRANSCRIPT OF HEARING PROCEEDINGS

TAKEN AT: Public Service Commission
160 East 300 South
Salt Lake City, Utah

DATE: January 27, 2011

TIME: 1:59 p.m.

REPORTED BY: Kelly L. Wilburn, CSR, RPR

APPEARANCES

Administrative Law Judge:

RUBEN ARREDONDO

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For Rocky Mountain Power:

BARBARA ISHIMATSU, ESQ.

ROCKY MOUNTAIN POWER

201 South Main Street, Suite 2300

Salt Lake City, Utah 84111

(801) 220-4640

(801) 220-3299 (fax)

For Milford Wind Corridor:

WILLIAM J. EVANS, ESQ.

PARSONS, BEHLE & LATIMER

One Utah Center

201 South Main Street, Suite 1800

Salt Lake City, Utah 84111

(801) 532-1234

(801) 536-6111 (fax)

For the Division of Public Utilities:

PATRICIA E. SCHMID, ESQ.

UTAH ATTORNEY GENERAL'S OFFICE

160 East 300 South, Fifth Floor

Salt Lake City, Utah 84111

(801) 366-0380

(801) 366-0352 (fax)

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1 JANUARY 27, 2011 1:59 P.M.

2 P R O C E E D I N G S

3 THE COURT: We're here in two matters:
4 Docket No. 11-035-17, In the Matter of: The
5 Application of PacifiCorp For Approval of an ESA for
6 Milford Wind Corridor Phase II.

7 And Docket No. 09-035-55, In the Matter of:
8 The Application of PacifiCorp For Approval of an ESA
9 for Milford Wind Corridor Phase I.

10 And with that, let's take appearances,
11 beginning with Rocky Mountain Power/PacifiCorp,
12 please.

13 MS. ISHIMATSU: Barbara Ishimatsu for Rocky
14 Mountain Power. And I have with me Paul --

15 (The reporter asked Counsel to speak up.)

16 MS. ISHIMATSU: Barbara Ishimatsu, Rocky
17 Mountain Power. And I have Paul Clements with me as
18 the witness.

19 THE COURT: Thank you.

20 And Milford Wind, please?

21 MR. EVANS: I'm William Evans of Parsons,
22 Behle & Latimer, here for Milford Wind Corridor
23 Phase I and Milford Wind Corridor Phase II. And with
24 me is Bryan Harris, a possible witness for the Milford
25 entities.

1 THE COURT: Okay. And the Division?

2 MS. SCHMID: Thank you. Patricia Schmid,
3 with the Attorney General's Office, representing the
4 Division of Public Utilities. And with me is Dr. Joni
5 Zenger, who will be the Division's witness in this
6 matter.

7 THE COURT: Okay. And I'll note that the
8 Office of Consumer Services did file an Appearance,
9 Request For Notice, and Response to Milford Wind's
10 Motions For Interim Orders Or Alternative Relief.

11 And we'll just note that the last page says
12 that the Office doesn't oppose granting interim relief
13 as requested. But I'm just gonna read this last
14 paragraph:

15 "The Office's position upon interim
16 relief is conditioned upon the
17 Commission considering the merits of
18 Rocky Mountain Power's motion for
19 approval of an amendment to the electric
20 service agreement in Docket
21 No. 09-035-55, and application for
22 approval of a second electric service
23 agreement in Docket 11-035-17, only in
24 regular proceedings to be scheduled and
25 conducted in accordance with the

1 Commission's procedures and practices."

2 So. Just to state that on the record. And
3 that's, that statement is such that it is the same for
4 both dockets. And that's from the Office. And I'll
5 just state that because we'll note that the Office
6 isn't present today, and they told us that they
7 wouldn't be here today.

8 At the outset is there any -- does the
9 Division have any opposition to interim relief
10 requested by Milford?

11 MS. SCHMID: We do not.

12 MS. ISHIMATSU: Does Rocky Mountain Power
13 have any opposition to the interim relief request by
14 Milford?

15 MS. ISHIMATSU: We do not.

16 THE COURT: Okay.

17 MS. ISHIMATSU: We are going to file some
18 comments responding to the allegations of delay. But
19 we don't have -- we don't oppose interim relief.

20 THE COURT: Okay. Then with that, what
21 relief do you want, then? Just if you could state
22 that on the record, Mr. Evans.

23 MR. EVANS: Well, we have filed two motions.
24 One for -- with regard to Milford II, which currently
25 does not have electric service from Rocky Mountain

1 Power. This would be the first time Milford Wind
2 Corridor Phase II -- and we'll refer to that as
3 "Milford II" -- will be a customer of Rocky Mountain
4 Power.

5 All of the physical facilities are in place.
6 And we would like an order allowing Rocky Mountain
7 Power to begin delivering power to Milford II, pending
8 the final approval of the application to approve the
9 electric service agreement.

10 The second motion was filed on behalf of
11 Milford I. With the situation bringing Milford II
12 online, the only way the parties were able to meter
13 the power separately between Milford I and Milford II
14 was to change the point of metering that is described
15 in the original Milford I electric service agreement.

16 So we're here asking for an interim order
17 allowing Rocky Mountain Power and Milford I to begin
18 metering deliveries of power at a different location
19 than specified in the original electric service
20 agreement. And in that regard Rocky Mountain Power
21 has filed a motion for approval of an amendment to the
22 Milford I electric service agreement.

23 We're here seeking an interim order asking
24 that the point of metering be changed, pending final
25 approval or final ruling on Rocky Mountain Power's

1 motion.

2 THE COURT: Okay. Then with that, there's no
3 opposition. My understanding is the Commissioners
4 have looked over the motion -- the application and
5 also the motion for interim relief. And they're going
6 to grant that interim relief.

7 Can -- Mr. Evans, can you prepare an order
8 for the Commission? When do you need the power to
9 start running? I've heard a lot of back and forth
10 about Milford II and when you needed that ESA to
11 start. When do you need it to?

12 MR. EVANS: Well, we're in a position now
13 where every day is a potentially significant cost to
14 Milford II in coming online. So if you are going to
15 issue an order from the bench today approving the
16 interim relief, then I think we can get that underway
17 as soon as possible. Maybe tomorrow, or at the latest
18 on Monday.

19 In the meantime I will prepare an order and
20 get it over here this afternoon. And if it's
21 issued -- well, I'll get over here this afternoon.
22 And maybe we ought to go off the record for one
23 second.

24 THE COURT: Okay, let's go off the record.
25 (A discussion was held off the record.)

1 MR. EVANS: All right. I'm sorry about that.

2 THE COURT: All right, you can continue.

3 That's fine.

4 MR. EVANS: I will get a proposed order in
5 both these dockets over to the Commission this
6 afternoon.

7 THE COURT: Fine. Then I understand that
8 Rocky Mountain Power is gonna file some responsive
9 comments, and you don't waive any right to do that.
10 And again, this is just -- these are just interim
11 orders.

12 The next thing that we need to schedule then
13 is -- do we need a technical conference, or do we just
14 go to scheduling conference and -- any ideas?

15 MS. SCHMID: The Division would suggest
16 setting a regular schedule conference for the
17 remaining proceedings.

18 THE COURT: All right. Any, any input,
19 Mr. Evans?

20 MR. EVANS: No. I think we -- given that
21 we've inconvenienced the parties here on bringing them
22 in for our request for interim relief, we're willing
23 to defer to whatever they decide they need to do on
24 the schedule otherwise.

25 THE COURT: Okay. Then Rocky Mountain Power?

1 MS. ISHIMATSU: We're fine with the times
2 that the Division has proposed.

3 THE COURT: Okay.

4 MS. ISHIMATSU: And I think the only issue we
5 had was perhaps there needs to be a hearing on --
6 either way.

7 MS. SCHMID: The Division circulated a
8 proposed schedule --

9 THE COURT: Uh-huh.

10 MS. SCHMID: -- yesterday; however, the
11 schedule was unacceptable to one party. And so I
12 would request that the Commission establish a
13 scheduling conference.

14 Hopefully we will be able to reach a
15 suggested schedule before then; however, I am not sure
16 if we can. And I know the parties would appreciate
17 that being done soon.

18 THE COURT: Okay.

19 MS. SCHMID: And of note, Milford Wind and
20 Rocky Mountain Power have been very helpful in
21 answering questions.

22 THE COURT: Okay. Then let's go off the
23 record again.

24 (A discussion was held off the record.)

25 THE COURT: So my understanding is everyone's

1 okay with Tuesday, February 8th. And we'll schedule
2 it for 2:00 p.m. scheduling conference. And we'll
3 send out notice of that.

4 And if the Office has any, you know,
5 scheduling conflicts you'll let us know before then,
6 and then we'll reset it.

7 And then the order on these two dockets in
8 interim relief, Mr. Evans, you'll get that to us this
9 afternoon, right?

10 MR. EVANS: Yes.

11 THE COURT: And then we'll try to get that
12 out as soon as we can. If not today, then definitely
13 Monday.

14 MR. EVANS: Okay. Thank you.

15 THE COURT: The other thing -- well, anything
16 else that needs to be handled here?

17 No? Then the last thing I need is, since you
18 all have your witnesses here, is you don't have -- I'm
19 not gonna have you -- I'm not gonna swear them in.
20 But DPU, can you proffer that your witness would
21 support that these interim orders are in the public
22 interest?

23 MS. SCHMID: Yes, my witness would state that
24 and I can so proffer.

25 THE COURT: All right. And Mr. Evans?

1 MR. EVANS: The same, yes, we can proffer
2 that.

3 THE COURT: And Ms. Ishimatsu?

4 MS. ISHIMATSU: Yes.

5 THE COURT: Okay. All right. Thank you.
6 Then we'll end with that.

7 (The hearing was concluded at 2:11 p.m.)

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C E R T I F I C A T E

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

This is to certify that the foregoing proceedings were taken before me, KELLY L. WILBURN, a Certified Shorthand Reporter and Registered Professional Reporter in and for the State of Utah.

That the proceedings were reported by me in stenotype and thereafter caused by me to be transcribed into typewriting. And that a full, true, and correct transcription of said proceedings so taken and transcribed is set forth in the foregoing pages, numbered 1 through 11, inclusive.

I further certify that I am not of kin or otherwise associated with any of the parties to said cause of action, and that I am not interested in the event thereof.

SIGNED ON THIS 5th DAY OF February, 2011.

Kelly L. Wilburn, CSR, RPR
Utah CSR No. 109582-7801

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